

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MATTATHIAS SCHWARTZ,

Plaintiff,

-against-

UNITED STATES DRUG ENFORCEMENT  
ADMINISTRATION,

Defendant.

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**AMON, United States District Judge:**

Plaintiff Mattathias Schwartz brought this action against the United States Drug Enforcement Administration (“DEA”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the disclosure of agency records related to the DEA’s involvement in a May 2012 raid in Ahuas, Honduras, which Schwartz alleged were improperly withheld. (D.E. # 1.) In December 2017, the parties stipulated to the dismissal of the case with prejudice, except as to fees and other litigation costs. (D.E. # 85.) Schwartz moved for an award of \$978,568.75 in attorneys’ fees and \$10,430.52 in costs pursuant to FOIA’s fee-shifting provision, 5 U.S.C. § 552(a)(4)(E), which the DEA opposed. (D.E. #s 98-1, 99, 101.) This Court referred the motion for attorneys’ fees and costs to the Honorable Steven Tiscione, United States Magistrate Judge, (D.E. dated May 23, 2018), who issued a Report and Recommendation (“R&R”) recommending that the Court grant Schwartz’s motion and award \$546,903.86 in attorneys’ fees and \$10,430.52 in costs, (D.E. # 102).

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only

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satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

The Court has reviewed the R&R and, finding no clear error, adopts the R&R with one caveat. The adoption of the R&R should not be construed as an endorsement of a \$200 per hour rate for work performed by summer associates, but only as a conclusion that the bottom line recommendation is reasonable.

Accordingly, the Court grants Schwartz’s motion and awards him \$546,903.86 in attorneys’ fees and \$10,430.52 in costs. The Clerk of Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: March 20, 2019  
Brooklyn, New York

s/Carol Bagley Amon

  
Carol Bagley Amon  
United States District Judge